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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 3]

भोपाल, सोमवार, दिनांक 1 जनवरी 2018—पौष 11, शक 1939

संसदीय कार्य विभाग  
(विंध्याचल भवन, बी विंग, द्वितीय तल)

**Raj Bhavan, Bhopal, the 9<sup>th</sup> December 2017**

## ORDER

1. Whereas Aam Admi Party ("AAP") Madhya Pradesh have submitted petition dated 04 July 2016 respectively, for alleged disqualification of Shri Paras Jain and Shri Deepak Joshi, members of the State Legislative Assembly under clause (1) of Article 191 read with Article 192(2) of the Constitution of India.

2. Whereas, averments have been made in the said petition that Shri Paras Jain and Shri Deepak Joshi are elected to the State Legislative Assembly, but since they are holding the posts of State Chief Commissioner and State Deputy Chairman, respectively, of the Bharat Scouts and Guides Society Madhya Pradesh, which is an "Office of Profit" not excluded from the purview of disqualification under Article 191 (1)(a), by the Madhya Pradesh Vidhan Mandal

Sadasya Nirharta Nivaran Adhiniyam, 1967, therefore, the two said MLAs are liable to be declared disqualified from membership of the Assembly.

3. And whereas, in pursuance of clause (2) of Article 192 of the Constitution of India, the opinion of the Election Commission of India has been sought regarding the alleged disqualification of Shri Paras Jain and Shri Deepak Joshi for being Members of the Legislative Assembly.

4. Whereas the Election Commission of India has submitted its opinion dated 08th September, 2017 vide letter dated 15th September, 2017 (Annex-I).

5. The Election Commission of India opined that ---

"5. In view of the foregoing analysis, the opinion of Election Commission of India under Clause (2) of Article 192 of the of the Constitution of India on the Reference dated 8th January, 2017 received from the Governor of Madhya Pradesh, is that Mr. Paras Jain and Mr. Deepak Joshi have not incurred disqualification, for being members of the Madhya Pradesh Assembly, under Article 191(1) (a) of the Constitution of India by means of holding the post of Chief Commissioner and Deputy Chairman respectively of the Bharat Scouts and Guides of Madhya Pradesh."

6. And whereas having carefully considered the facts on record as contained in the opinion of Election Commission of India and having been fully satisfied therewith.

7. Now, therefore, I, Om Prakash Kohli, Governor of Madhya Pradesh in exercise of the powers conferred on me under clause (1) of Article 192 of the Constitution, do hereby decide that the petition dated 04 July 2016 filed by the Aam Admi Party ("AAP") Madhya Pradesh against Shri Paras Jain and Shri Deepak Joshi members of the State Legislative Assembly are not maintainable under Article 192(1) of the Constitution of India.

OM PRAKASH KOHLI,  
Governor,  
Madhya Pradesh.